

January 26, 2007

**Interim Superintendent Harv Lyter's Testimony Before
The Joint Finance-Appropriations Committee (JFAC)**

Word-for-word Transcription:

Chairman Bell:

"Ok, the committee will come back to order. Superintendent Lyter nice to have you with us. We are going to take a look for the next thirty minutes and we are running a little bit late, but we will make sure you get the full thirty minutes, at the School for the Deaf and Blind. The floor is yours."

Superintendent Lyter:

"Thank you Madam Chairman and members of the committee. Another exciting year at the Idaho School for the Deaf and the Blind, and the statewide agency that supports practically every school district throughout the state of Idaho. As a presentation overview I would like to remind the committee this is a reference package. We have given you a lot of background information and material here that you may find useful at other times in your deliberation. I don't intend to go through every one of these slides with you today. So I'll give you the most important highlights of what's happened this year.

The enclosures you will find cover a list of materials that has been ongoing with the State Board of Education and various legislation reviews of ISDB over the last three years. I think you find a lot of that information very helpful and informative. Specifically, I would like to bring your attention to the National Agendas for the deaf and the National Agenda for the blind. Which is a nationwide standard of educational excellence and ISDB over the last three years has adopted those procedures and initiatives as our philosophy. Why we do what we do, is simple, the federal, state law and our statutory requirements have us provide supplemental services to all and any school district in the state of Idaho that has students with hearing or vision impairment that require an increased level of service and supplemental service beyond what the school district can provide themselves. Now there are various handouts here that go through it.

The last bullet on slide number 4 is what I want to bring to your attention. Any new service delivery model that the state chooses must meet those statutory and legal requirements or our liability goes right through the roof. Not to mention quality of service to our clients. Under our statutory requirements we have nine statutes that currently govern the operation of this agency. But these three are the key ones. The others are primarily housekeeping responsibilities, giving the State Board of Education the authority to own property and hire staff, etcetera.

These are the key elements and in 3401 you will notice that the mission of this agency is to supplement the services of LEAs throughout the state. The LEA is, always, and never can not be the primary responsible agent educating students throughout the state. Under the definition of deaf and blind under the law, you will find that we serve students from 6 years to 21 years of age. However through other requirements such as the Infant Toddler Program, and other interagency agreements that we have established, we go all the way down from birth to 21. We are the agency of choice for Health and Welfare as soon as they have identified an infant in hospital screening that has a visual or hearing impairment. And finally we do have a general contingency fund which allows the agency to hold over some funds for not only emergency uses but for those periodic times of expenditures, a new school bus etcetera that we are in dire need of, but haven't been able to get through appropriation process on a year to year basis. Authority to spend out of that fund is only by approval of the State Board of Education.

Other responsibilities through Interagency Agreements. The primary one is we work through the State Department of Education as sort of the blanket agreement by which we service all the LEAs throughout the state. Obviously I do not want to negotiate 117 individual agreements and so the State Department of Education in cooperation with the State Board has a blanket agreement. You will note, however that this agreement expires on the 2nd of March 2007.

This slide shows you our Outreach Program throughout the state and that we are currently holding case files on 943 students throughout the state of Idaho, not counting the 67 students on the campus in Gooding today. This just gives you the breakout of where they are located. The demographics of which students we serve. Now the next slide is in your package, and it show you where the actual breakout of students and this would be slide 7a shows you the actual grouping of students by regions throughout the state. That is not a pinpoint location of all of those 900 and some students, but it is a representation of where those groupings throughout the state are. You will notice down in Region 5, the 64 black, that number again has been superimposed, this is December 31 data, that number is 67 today, we have 2 more students who will come on board before February that is 69 and we have other referrals coming in so it is quite possible that we will end this year nearly back to the level of students that we had 3 years ago.

When we are complying with 2006 JFAC guidance, the key element to recognize here is that we have been transferring as many positions as possible from campus restructuring into the outreach program. Over the last three years we have transferred 7 positions from the campus restructuring into outreach. When I came before you a couple of years ago, I told you that my ability to hire additional people for outreach although a tremendous need was severely limited by our FTEs.

I told you at that time I would hire 200 percent more outreach people if I could. But obviously, what I was looking for was a modest five to ten percent growth on an annual basis, that seven positions over the last three years represents a total of 23.8 percent increase. I am meeting my goal with a 7.9 percent increase in growth in outreach

services on an annual basis. The other thing is that right now transferring more positions to outreach is on hold.

The Governor's proposed budget will take all of my vacant positions and actually will lose 3.25 positions and a little over two hundred and twenty thousand dollars this year. With that goes a narrowing of the focus of what I can do in terms of managing that personnel transfer and growth. I also believe that that approach is narrowly focused on issues that have occurred on the campus. It doesn't really recognize my requirement to run the statewide outreach program and furthermore it negates the statewide agencies improvement ability from personnel cost savings which I did hope to transfer into improving the salary situation for my teachers.

That again is 2006 JFAC guidance which I will not be able to comply with this year. We did plan at this point to be able to use our ongoing personnel cost savings and literally zero out the shortfall on my teacher's salaries. But those FTE's and funding was diverted to another higher priority project.

On the 2006 and 2007 campus program, we have in accordance with guidance reduced our resident capacity to 48 student beds. That is 4 cottages with 12 students each. But at the same time, we have also made an interagency agreement with the Gooding joint public school district and we currently house 110 kindergartners on the ISDB campus. It is a multi use program in cooperation with the local school district. It is one by the way that Superintendent Bob Stearns and I have found out has worked out tremendously better than either one of us had anticipated when we began that discussion. The cooperation and knowledge transfer between the two school districts has improved tremendously.

And finally on the next to the last bullet, the new agreement needed to standardize the transportation of students, we are moving ahead with that as a goal. Right now I negotiate individually with any school district that sends a student to campus either the residential school or the day program about how that transportation is done.

One of my goals has been to try to standardize the sharing of responsibilities and costs so that all school districts and ISDB are on an even basis in that responsibility. In the outreach program, we have added 3.0 FTEs last year which is a directed transfer of 5.19 FTEs from the campus budget because of funding equated the ability to only hire 3 more outreach consultants. We have developed the caseload workload formula that was directed in the 2005 OPE report, in fact, ISDB has complied with all the provisions of the OPE report from 2005 that are within our power.

The one issue that came up last year, we have been designated as the action agency for the state of Idaho in the National Instructional Materials Accessibility Standards and Center. That is a national level clearing house and data base which the publishing houses of all the academic textbooks contribute electronic copies of their materials.

Each state through the national program is allowed to have an action agency which would go into the data base and download materials bypassing copyright law. Then we may distribute those materials to school districts that require them for visually impaired students in the proper format. It is going to be a tremendous program nationwide as it works out to assist visually impaired students in the mainstream schools and in schools like the ISDB main campus. ISDB is the lead agency in Idaho for that program.

Finally, we took all of our parent workshops out to the regions this year rather than have one consolidated workshop on campus we went around to four different locations throughout the state and held parent workshops out there. That was very well received and very well attended and we are going to try to copy that again as soon as possible in the coming years.

The biggest item here that I want to expand on for the next slide is the impact of the Educational Interpreter Act as we see it and the anecdotal evidence that we have shared with other states in the United States. First these standards were long overdue. The quality of educational interpreting in schools is absolutely vital for the communication of all mainstream students with hearing impairment.

The biggest thing here that most schools are experiencing is that once the impact of such a law sets in on local schools districts, they understand clearly their responsibility for a level of expertise in the individuals they hire, the shortfall of the availability of those individuals in the general community and the expense necessary to hire fully qualified people. Referrals to a campus program like ISDB's main campus in Gooding significantly increase in the out year. This has been the experience in Colorado. This has been the experience in California. It has been the experience in Texas.

I have absolutely no reason to believe it won't be the experience in Idaho. Along with that, ISDB is through interagency agreement, the designated training organization for educational interpreters throughout the state. We provide most of the coordinated activities for ongoing seminars, training of educational interpreters as it exists right now, notwithstanding ISU's program of formalized higher education training, but we have tried to expand on that program and get our own in house position of an educational interpreter coordinator approved as a full time position, but we have been denied that opportunity for two years in a row now.

At this time, I'm going to turn it over to Jeff Woods for a few minutes and have him discuss the fiscal impacts that we are facing."

Chairman Bell:

"Mr. Woods."

Jeff Woods:

“Thank you, Madame Chairman; it is indeed a pleasure to be back here again this year. First thing I would like to with pleasure report that we have just completed a four year fiscal audit and the audit was completed with absolutely no audit findings or recommendations. We have a very, very competent staff with goals and resources at ISDB and most of the credit goes to them. There are four ladies who work in the front office, and they are tremendous at what they do. Shirley Neal, Lori Quigley, Shelley Comstock and Sharon Brooks are just fantastic, they watch everything carefully and I would like to give them kudos for that.

We definitely will be continuing our efforts to make sure that things continue in that vain and that we will do our best to carefully watch the money that you have appropriated for us to watch. The other issue that I keep coming back to talk with you about each year is our educational staff and their salary equity issues. This is a very, very talented staff that we have throughout the state not just on our Gooding campus. Our outreach program is staffed by certified teachers, just as our programs on campus are.

Right now 64% of our staff, 37 of 58 teachers if you compare them to what a public school teacher would be making on just the minimum scale, leaving alone comparing them with Meridian or Boise or something like that, they are paid below what their public school counterpart would be making. As I told you they are very talented, 71 percent hold a Master’s degree or higher, they are very dedicated to what they are doing. All we need now is ninety-two thousand six hundred dollars to bring every one of them up to the minimum scale.

Having watched what they do, they are very, very deserving of that raise. Just to give you a little bit of information of what they would be able to do, if one of our teachers is just brought up to the minimum, would get a forty nine hundred dollar pay raise. They could just go across the street and work for the Gooding public school district and be one way they could to do that. There is one concern I would like to bring forth to you. Through our continued compensation short falls and the uncertainty that is surrounding our future operations and restructuring, we are definitely anticipating that we will lose part of those very talented, very hard to come by teachers.

They will all go to work for other Idaho school districts. Some of them will go to work out of state. We lost one of our teachers in the middle of the school year. They went to work for the New Mexico School for the Deaf and the Blind. These teachers are extremely, extremely hard to come by. Again with that uncertainty that is out there they will be even harder to recruit. We do have two items before you for our capitol outlay request this year. To replace 6 of outreach consultant’s vehicles. These consultants travel lots of miles.”

Chairman Bell:

“Mr. Woods would you speak up, please, you will have to speak louder. Thank you.”

Jeff Woods:

“Thank you very much for the reminder. We would like to replace 6 of our outreach consultant’s vehicles. These consultants travel a lot of miles, in such places as Salmon and places like that. A lot of our cars are getting 90 to 100 thousand miles on them. The last thing we would want to do is to strand one of our consultants out in other parts of Idaho where it would be hard to get somebody out to them real quick. Another item would be to replace 25 of our computers in our system that are not meeting essential requirements any more. Between the two of those, we have a request of one hundred twenty two thousand dollars. With those items, I would like to turn in back over to Superintendent Lyter for closing comments. Thank you.”

Chairman Bell:

“Superintendent.”

Harv Lyter:

“Madame Chairman, members of the committee, the strategic planning issues that we face are significant and probably the things we must do if we are going to still remain viable in the area of deaf and blind education in the state, is we must upgrade the educational interpreter trainer position to a full time position. That is a tsunami that we can see from the beach.

I would rather have that infrastructure in place before it hits us 18 months to 2 years from now. We must continue to expand the outreach program significantly. The increase in outreach position demand is increasing exponentially over the state. The individual teachers right now are running 29 to 1 average; some of them have a caseload as high as 45 or 50 students. That doesn’t seem like much, perhaps if you are thinking about the average teacher in a high school teaching four or five classes, but this is an individual who goes out to meet these students on a monthly basis, one on one, or one or two in a particular school and travels all throughout the region.

We must continue to explore opportunities for a Treasure Valley resident’s component and the reasons for that I have expanded on in various other reports that are available to you in the package. And we must at all cost, maintain the current level of service until any new service delivery model is prepared to take over. And I mean on a school year to school year basis. We can not afford to have any significant gap in service for this low incidence population, or as I have said our legal liability not to mention the direct service to these students will suffer tremendously.

We have success stories. For the last two years every senior that has graduated has met the state’s ISAT standard. All the grade levels in use are currently fulfilling the SDE’s (State Department of Education) promoted program for multi-disciplinary project based learning approach. Tactile, tact graphics in our media center has increased from 477 pages of requested production in the 05-06 school year to over 12 thousand pages of productions this year to date.

We have a skilled language immersion program both for the faculty and for the students that has tremendously increased student ability in reading and writing skills and has tremendously increased general faculty ability to communicate with students in the classroom. And finally, we have made very significant gains despite what I just told you, about our ability to close that gap finally this year.

We had made significant gains over the last couple of years in our ability to close that gap, going from a 23 percent shortfall three years ago to a 5 percent shortfall this year. We have done that in house through some very significant management on the part of my financial services director and K-12 principal.

In closing, there is basically a statement on the background and unique student variables that schools for the deaf and the blind throughout America face, but I would just like to highlight an item in the second bullet. In any successful service delivery model, the age of identification and the access to early intervention services and the enrollment in an appropriate program providing communication skills and proper orientation and mobility training are the critical factors of future success.

High expectations for all children in closing the achievement gap with fair and equitable measures of progress and accommodation are the goals shared by every educator, parent and community member, disabled or not. The worse form of discrimination any of these students faces is that of low expectations. Because with low expectations, comes the pervasive tendency to think we can get by with anything less than full level of resource and the appropriate types of educational experience we would absolutely insist upon for every other student. The teacher that can freely and directly communicate with them and classmates with which they can share their ideas are two of the essential ingredients that makes a residential component an absolutely vital part of any new future service delivery.

These are times of great challenge, but we have a dedicated, very professional, and very motivated staff throughout the state organization you know as ISDB and we are ready to participate fully in the transition to whatever service delivery model that the State Board and this body, the Legislature of Idaho chooses for us. With that I'll stand for questions."

Chairman Bell:

"Thank you, Superintendent and we do have about 10 minutes for questions. Change is never easy and in my time here and perhaps my co-chair's time this probably one of the most difficult transition periods on a situation that we have ever been through also. I might ask before we start with questions the timeline and the uncertainty of all of this. Do you have a timeline on this and how is the moral of all of those people who are helping us through these changes."

Harv Lyter:

“Thank you Madame Chairman, members of the committee, the timeline that I have been instructed to prepare for is that most of the proposals on the table and most of the debate should reach a focal point somewhere in the summer of 2008. That is the point at which the State Board expects to have significant changes in place and that the agency will actually change. One of the difficulties I have in moral of maintaining the current system is that uncertainty, what those proposals will be, how the details will be worked out, where it is going. Jeff Woods alluded to the fact that over the last three years we have lost quite a few, in fact, highly qualified, very difficult to replace staff. I lost one in the second semester last year. An industrial arts teacher, very difficult to find an industrial arts teacher who signs and can communicate with students. We lost a history teacher in the academic department at the beginning of the second semester this year. My senior staff tells me that 23 other staff members have approached them about letters of recommendation.”

Chairman Bell:

“And that 23 are what we are concerned about.”

Harv Lyter:

“Twenty-three of my campus staff and if that happens to us, we are not going to open.”

Chairman Bell:

“Representative Ringo.”

Representative Ringo:

“Thank you Madame Chairman. I met with a few families just prior to this session up in Moscow who have visually impaired children and they certainly are apprehensive. These young ladies are high achieving with very supportive families which is wonderful. I would just like to mention three things and any comment that you would have on them would be welcome that I can take back. One pretty much reinforces what you said about the outreach.

They feel at the time they have a very good outreach teacher and they are very complimentary about the local school district and I think that now it is working out well but at times they did not have a very effective outreach teacher and they are very concerned about the support for the program and whether they will be able to continue to have such a good service. They really appreciate the centralized support they get from the Gooding campus. One of the girls attends camps in the summer and even though she stays with her family during the school year she has found those camps to be a great experience in terms of interacting with other students who are visually impaired as well. Madame Chair, there is really not a question in that; unless you would have any comments that I could take back to them that would be encouraging.”

Chairman Bell:

“Superintendent.”

Harv Lyter:

“Madame Chair, Representative Ringo, the only thing that I can say at this point is that the primary proposal that I am aware of on the table will transition all of blind assets of the agency and the responsibility for all of our blind students to the Commission for the Blind somewhere in the Summer of 2008, assuming that is the final proposal adopted by the State Board of Education and the legislature. If that occurs, then ISDB as we know it today will cease to have a blind side to the school and that responsibility will be totally in the hands of the Commission. Until that time, ISDB intends to fully meet its requirement and its responsibilities and its obligations we have committed to all of those families; and hope to work with them in a smooth transition to whatever new system is decided.”

Chairman Bell:

“Senator Werk is that a question?”

Senator Werk:

“Madame Chairman, I figured I would be in a line someplace. Superintendent, thank you for your presentation and I appreciate the issues that you are going through with this kind of transition. I can understand where the difficulties are. Not remembering everything that has gone on in the last couple of years, you have identified a critical need in compensation. I believe the figure you used was about 96 thousand dollars to get you up to where you need to be. And then there is the elimination of three and one quarter FTE’s in the Governor’s budget, I am trying to put it all together and figure out why last year salary savings were not used to do what you needed to do for this critical staff. I am trying to figure out if there is a disconnect to what you are asking for in terms of salary and what has been done over the last couple of years in not providing money that might have been available to do that.

Chairman Bell:

“Superintendent.”

Harv Lyter:

“Madame Chairman and Senator Werk, over the last two years we have done exactly that. The proposed Governor’s budget this year essentially eliminates the capacity and my flexibility to continue to do so.”

Senator Werk:

“Madam Chairman, just a clarification.”

Chairman Bell:

“Yes.”

Senator Werk:

“Superintendent, are you indicating that in the last couple of years you have taken that money and provided to add into the base salary of the people you currently employ and now by losing the positions that those people’s salaries are going to go from up here to down there. With basically a 96 thousand dollar loss in salaries that people are currently enjoying.”

Chairman Bell:

“Superintendent.”

Harv Lyter:

“Madame Chairman, Senator Werk let me try and clarify. What we have done in the past is we have used vacant positions and we have applied ongoing salary savings to improving salary ratios for the teachers. We have got it from a 23 percent shortfall down to about a 5 or 6 percent shortfall. We anticipate that those savings will continue to be in the budget, but if they are not because of the reduction of FTEs that we are looking at, we might find ourselves in a shortfall that is even greater.”

Senator Werk:

“Thank you.”

Chairman Bell:

“Senator Bilyeu.”

Senator Bilyeu:

“Thank you Madame Chair and Superintendent Lyter. Would you look into your crystal ball and please tell where the future of deaf education is going.”

Chairman Bell:

“Superintendent.”

Harv Lyter:

“Madame Chair and Senator Bilyeu, I believe that deaf education throughout America is finding a good stable path through modest but continued growth quality and the development of services that states try to offer. I believe there is a real opportunity for Idaho to be part of that trend. In fact, there are various proposals on the table in front of the State Board of Education deaf and hard of hearing transition working group.

One of them that I am very encouraged about is a preliminary idea that Idaho State University might begin to take the lead in forming a center of excellence for deaf education, research and training. It remains to be seen over the next year to 18 months how the State Board will formulate those actual proposals that will become law and make those substantial changes in the way we do thing. But I am encouraged that there is potential, real potential for Idaho to move forward and to do even better than we are today. It is going to take a lot of work and it is going to take some creative solutions but I think it can be done.”

Chairman Bell:

“Senator Bastian.”

Senator Bastian:

“Madame Chair and Superintendent Lyter, I have a difficulty understanding the salary disparity. So if you could talk about the structure or how that is set up compared to public school teachers. I understand that public school teachers are paid primarily based upon experience and educational attainment. Does that differ for the Idaho School for the Deaf and Blind or is the structure same or different?”

Chairman Bell:

“Superintendent.”

Harv Lyter:

“Madame Chairman, Senator Bastian, Obviously any qualified certified teacher in the state of Idaho expects to receive compensation based on their certification and their years of experience. In that respect, we are the same as a local education agency. The local education agency receives a stipend from the state through the State Department of Education for each teacher and in then in addition as a Board of Trustees and a local control entity has taxation authority that is the way they raise money to support the school. They have a collective bargaining agreement with the teachers and negotiate for salary.

We are a state agency. Every one of my teachers are highly qualified, a certified teacher, a special education teacher, a teacher of the deaf or a teacher of the visually impaired, with numerous special education certifications and Master’s degree, we are state employees and we get whatever raise the legislature decides a state employee receives.

This has happened so often that three years ago we are 23 percent behind their baseline counterpart in a public school. That is the issue that we have been trying to deal with in compensating our teachers. That is where we divert ongoing personnel cost savings whenever possible.”

Senator Bastian:

‘Madame Chair.”

Chairman Bell:

“Yes, go ahead.”

Senator Bastian:

“Just so that I understand, teachers for the ISDB are on a state salary different than the public school system.”

Harv Lyter:

“Yes. Correct.”

Chairman Bell:

“Senator, this has been an ongoing debate. This is a state agency and not part of the education system and in many ways as you look into this budget as the co-chair and I have been there a long time and there are many advantages and there are also disadvantages and I am not sure how they weigh. With that we need to move on. This budget will take a lot of thought and a lot of work with the transition and we look forward to working on this budget.”